IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.13 OF 2006

M/s.Tips Films Limited. ...Petitioner.

Vs.

The Executive Committee
(Board of Arbitration),
Bihar & Jharkhand Motion
Pictures Association. & others. ...Respondents

Mr.P.N.More, for Petitioner.

Mr.A.M.Saraogi for Respondents.

CORAM: D.K.DESHMUKH, J.

DATED: 2nd May,2006

P.C.:-

1. By this petition, the petitioner challenges the Award made by the Arbitrator. The sole objection to the Award is that the petitioner who is a producer of films had entered into a distribution agreement with respondent no.3 and not with respondent no.2 at whose instance the Award has been made. But the admitted position is that respondent no.3 had transferred all its rights under the agreement that respondent no.3 had entered into with the petitioner, in favour of respondent no.2. Therefore, the respondent no.2 will take place of

respondent no.3 in so far as rights under the agreement between the petitioner and the respondent no.3 are concerned, as there is no prohibition contained in the agreement between the petitioner and respondent no.3 that respondent 3 cannot assign its rights to a third party. Therefore, in the agreement between the petitioner and the respondent no.3 on assignment of rights by respondent no.3 in favour of respondent no.2, the respondent no.2 will take place of respondent no.3. and therefore, if because of this agreement the respondent no.3 was entitled to invoke the arbitration clause now the respondent no.2 will be entitled to do so. What is interesting is that though there is special clause in the agreement between the petitioner and respondent no.3 that movie will not be telecast for a period of 5 years from the date of its release, the respondent no.3 assigned its rights in favour of respondent no.2 and on the same day gave no objection in favour of the petitioner that he can telecast the movie. Thus, when the no objection was given by respondent no.3 in favour of petitioner he had already assigned its rights in favour of respondent no.2. Taking overall view of the matter therefore, in my opinion, no fault can be found with the Award. The petition is therefore, disposed of. The petitioner to pay cost of this petition to the respondents 3 as incurred by respondent no.3.

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